

GreenspoonMarder

From the desk of:
Daniel C. Mazanec, Esq.
Brickell World Plaza, Suite 3600
600 Brickell Avenue
Miami, Florida 33131
Direct Phone: 305.789.2720
Direct Fax: 305.537.3950
Email: daniel.mazanec@gmlaw.com

VIA ECF AND FAX (212-805-7986)

October 20, 2016

Honorable Paul G. Gardephe, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

Re: *PhotoMedex, Inc., et al. v. DS Healthcare Group, Inc.*
Case No. 1:16-cv-03981 (PGG)

Dear Judge Gardephe:

We represent defendant DS Healthcare Group, Inc. in the above-referenced action. During the initial pretrial conference held on October 13, 2016, Your Honor instructed the parties to notify the Court by today's date if the parties desire to engage in mediation with Magistrate Judge Peck in a good faith effort to resolve this action prior to the commencement of discovery.

On behalf of all parties, we hereby advise the Court that the parties choose to proceed with mediation before Magistrate Judge Peck. It is the understanding of the parties, based upon Your Honor's statements during the October 13 conference, that the matters set forth in the Proposed Scheduling Order will be stayed until after mediation, at which time, if the parties were not able to resolve this action, the parties will submit the information relating to the Proposed Scheduling Order as directed by Your Honor at the October 13 conference.

Respectfully submitted,

GREENSPOON MARDER, P.A.



Daniel C. Mazanec, Esq.

DCM

cc: Bradley L. Mitchell, Esq. (via ECF)

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